

OFFICE OF PROCUREMENT

Prepare Presolicitation Documents
LMS-OP-4509 Revision: N

Approval Original Signed on File
Organizational Unit Manager, Office of Procurement
Date 9/25/08

NASA Langley Research Center (LaRC)
Langley Management System (LMS)

CHANGE RECORD

Rev. No.	Date	Description
B	07/24/00	Reflects OSEMA reorganization and revised procedures. Removes written procurement plan requirement. Deletes the requirement for justifications for competitive proposals. Incorporates LMS-TD-4547 Tabs 6, 20, 25, 26, 27, 29, 31, 35, & 76 procedures within this document. Clarifies ASM requirements.
C	3/14/01	As a result of OUM LMS Review, procedure is revised to delete information redundant to regulations or does not control a process.
D	2/13/02	Incorporates pertinent information from LMS-TD-4547, Tab 2 and deletes references to NF 1098 tabs. Rescinds use of LF P212.
E	8/1/02	Adds Section II regarding records. Incorporates guidance for designating Source Selection. Deletes requirement for obtaining DD254s for procurements subject to ITAR. Adds web security requirements as Paragraph D. Adds Section II regarding records.
F	3/9/03	Adds requirement for Quality Assurance Surveillance Plan as paragraph III B, ISO 9001 requirements as Paragraph D and Wage Determination Requirements as paragraph III K.
F-1	4/17/03	Corrects organizational references.
G	7/16/03	Add representatives from OCFO and Environmental Management to ASM attendees.
G-1	11/25/03	Corrects location of QASP Template.
H	2/6/04	Revises Paragraph IV B. to exclude QASP for simplified acquisitions unless FAR 46.202-2(b) conditions apply.
H-1	10/7/04	Corrects organizational and document references.
I	11/8/04	Updates location of the QASP template. Changes the ASM threshold. Adds SBA PCR to ASM attendees. Clarifies requirements throughout.
J	4/12/05	Paragraph IV, I, Removes Independent Procurement Reviewer from ASM attendees.
K	6/16/06	Paragraph IV, A, C, D and G clarifies and expands on requirements. Other minor corrections e.g., organizational references.
K-1	9/12/06	Acquisition Strategy Meeting (ASM) title is changed to Procurement Strategy Meeting (PSM) in accordance with PN 04-16 change.

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L	4/6/07	Revised Paragraph I to require no written plan below \$10M. Revised Paragraph J to address review of inherently governmental and personnel services activities and expand advisory and assistance requirement.
M	9/10/07	Combine Paragraphs A and D to refine the quality assurance review process, and incorporate the AS9100 standard, revise Paragraph E to delete reference to the LF P336 and refine the Environmental review process, and add new Paragraph D to address the software engineer review when applicable. Other minor corrections e.g., organizational references.
N	9/25/08	Revised Paragraph J. Service Contracts, to clarify the documentation requirements as related to PIC 07-02.

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I. Introduction

Prior to releasing a solicitation document to the general public, the Contracting Officer (CO) must assure that all required procedures have been followed and the required documentation is contained in the contract file. Contract Specialists (CS) shall adequately address each of the topics discussed below as appropriate for their specific procurement.

II. Records

Records generated by this procedure are contained in the Contract Files.

III. Listing of Instruction Topics

- A. Quality Assurance (QA) Requirements
- B. Quality Assurance Surveillance Plan
- C. Safety and Health Requirements
- D. Software Engineering Requirements
- E. Environmental Requirements
- F. Web Security
- G. Security Requirements
- H. Source Selection Authority
- I. Acquisition Planning
- J. Advisory and Assistance Services
- K. Wage Determination Requirements
- L. Parties Excluded from Procurement Programs

IV. Instructions

Note: Processes set forth in the following paragraphs A through H shall be worked concurrently.

A. Quality Assurance (QA) Requirements - The CS and initiator shall review FAR and NASA FAR Supplement Part 46 to determine the appropriate QA requirements. For procurements that require a Procurement Strategy Meeting (PSM) Presentation (procurement > \$10M), and for other procurements that present quality implications, the CS should coordinate with the Safety and Mission Assurance Office, Mission Assurance Branch (MAB), to ensure all QA requirements, clauses, and intended delegations are identified and documented in the PSM, or other memorandum, and in the solicitation/contract. There is no specific form available to communicate the requirements with MAB, so the CS may use email or face-to-face meetings for this task; however, the file still needs to be documented. When FAR 46.204-4, Higher Level Quality Requirements, is determined applicable by the CS and the initiator, address the following:

1. ISO 9001:2000 - Coordinate with the LMS Management Representative from the Advanced Planning and Partnership Office to determine the applicable ISO 9001:2000 clauses. The CS shall document the review for the file.

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2. AS-9100 - For “critical and complex” requirements as defined in NASA Policy Directive (NPD) 8730.5, NASA Quality Assurance Program Policy, the CS shall coordinate with MAB to determine the applicable AS-9100 clauses. The CS shall document the review for the file. “Critical and complex” procurements involve the processes and services that support the design, development, fabrication, component assembly, and system installation of flight hardware, flight software, and associated ground support equipment interfacing with flight hardware and flight software. Key characteristics in determining if support from the MAB is necessary are as follows: (1) any hardware task that, if performed incorrectly or in violation of prescribed requirements, could result in loss of human life, serious injury, loss of mission or loss of a significant mission resource (e.g., Government test or launch facility). (2) the manufacture/fabrication of parts or assemblies which have quality characteristics not wholly visible in the end item and for which conformance can only be established progressively through precise measurements, tests and controls applied. (See also NPR 8735.2A, Management of Government Quality Assurance Functions for NASA Contracts and NPD 8730.5, NASA Quality Assurance Program Policy, for guidance.)

B. Quality Assurance Surveillance Plans (QASPs) - QASPs are required for all contracts for services (inclusive of R&D), Performance Based Service Acquisitions and Supplies as set forth in FAR Part 46, NFS 1846, and agency guidance. QASPs are not applicable to Construction, Purchase Orders >\$100K for Commercial Items, and purchase orders at or below the simplified acquisition level unless the conditions set forth in FAR 46.202-2(b) apply. QASPs should be based on the complexity of the requirements being procured/undertaken. QASPs shall be prepared during the pre-solicitation phase of the procurement when the Statement of Work is written and specific performance requirements are defined. In addition, QASPs shall be coordinated through the MAB. Once the contract is awarded, the QASP shall be revised to accommodate the specific contractor’s approach and to update any of the Government requirements. The QASP is a “living” document that will be tailored throughout contract performance and used as a surveillance guide for contract administration. Guidance for QASPs is included in FAR 37.6, 46.4 and NFS 1846.4 and is summarized in the Virtual Procurement Office (VPO). A LaRC template for the QASP is located on VPO.

C. Safety and Health Requirements - The CS and initiator shall coordinate procurements with the Safety and Facility Assurance Branch (SFAB) to ensure all appropriate safety and health requirements are identified and incorporated in the PSM Presentation documents, or other memorandum, and in the solicitation/contract. There is no specific form available to communicate the requirements with SFAB, so the CS may use email or face-to-face meetings for this task; however, the file still needs to be documented. For construction efforts, these requirements will be identified at the specification review.

D. Software Engineering Requirements - If the CS and initiator determine that the requirement involves software within the scope of NPR 7150.2, NASA Software Engineering Requirements, the procurement should be coordinated with the Software Engineering Process Group (SEPG) representative for review. For human-rated software systems, non-human space rated software systems, or mission support software (classes A, B, or C) per NPR 7150.2, special requirements apply. The applicable standards and clauses should be identified and incorporated in the PSM Presentation documents, or other memorandum, and in the solicitation/contract.

There is no specific form available to communicate the requirement with the SEPG representative, so the CS may use email or face-to-face meetings for this task; however, the file still needs to be documented.

E. Environmental Requirements - The CS and initiator shall coordinate acquisitions valued over \$100,000 with the Environmental Management Team (EMT). The CS shall ensure that the process as described in LMS-CP-4505, NPR 8530.1 and PIC 01-27 is followed in determining the applicability of required clauses. There is no specific form available to communicate the coordination with the initiator and/or EMT, so the CS may use email or face-to-face meetings for this task; however, the file still needs to be documented.

F. Web Security Requirements – The CS shall coordinate with the initiator to ensure that the solicitation meets the requirements of the NASA Internet Publishing Content Guidelines ([NITR 2810-3, NASA Internet Publishing Content Guidelines](#)). No aspect of the solicitation shall contain information considered critical to protecting Agency assets and personnel. If information is considered critical and not to be released electronically, the CS shall ensure that the solicitation provides the appropriate instructions for offerors to request the information. Offeror's requests are to be filed in the contract file.

G. Security Requirements - The CS and initiator shall coordinate acquisitions requiring access to classified information with the Security & Program Protection Services Office for the preparation of a DD254 Department of Defense (DoD), Contract Security Classification Specification form. The DD254 shall be finalized immediately prior to award, to reflect the selected contractor's information, and be incorporated in the award document as an attachment. In addition, the CS and Initiator shall coordinate all acquisitions with the Office of Chief Information Officer (OCIO) to ensure all appropriate IT Security requirements are identified and incorporated in the PSM Presentation documents, or other memorandum, and in the solicitation/contract. There is no specific form available to communicate the requirements with either of these organizations, so the CS may use email or face-to-face meetings for this task; however, the file still needs to be documented.

H. Source Selection Authority – Designate the Source Selection Authority (SSA) early in the procurement planning process. The SSA shall be established at the lowest reasonable level; however, this does not preclude designation at a different level if circumstances dictate.

Threshold	SSA
\$10 million or below	OP Branch Head
>\$10 million up to \$50 million	Procurement Officer (or Deputy)
>\$50 million	Center Director
LaRC NASA Research Announcements	Cognizant Branch Head or Project Manager

I. Acquisition Planning - Acquisition planning shall integrate the efforts of all personnel responsible for significant aspects of the procurement in order to meet the Government's need in the most effective, economical and timely manner. The strategy

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developed for procurements expected to exceed \$10 million, unless specifically excluded under NFS Part 1807, shall be conveyed through a PSM. Documentation of the strategy developed for procurements less than \$10 million is not required in a written plan. Attendees or organization representatives at the PSM shall be limited to LaRC employees who have cognizance over the requirement. The following persons shall be considered:

- Source Selection Authority
- Cognizant Technical Organizational Unit Manager
- SEB/SET members
- Office of Chief Counsel
- Competition Advocate (if sole source)
- Procurement Officer
- OP Branch Head
- Small Business Specialist
- Contracting Officer
- Contract Specialist
- Small Business Administration (SBA) Procurement Center Representative (PCR)
- Safety and Facility Assurance
- Security
- Office of Chief Information Officer
- Office of Chief Financial Officer
- Environmental Management
- Strategic Partnership, Planning, and Management Office
- Subject Matter Experts, as appropriate

At the conclusion of the PSM, recommendations and major points of discussion will be documented in minutes. Before the final minutes are routed for approval, an advance copy shall be distributed to all participants of the PSM for comment. Comments shall be resolved and incorporated into the minutes, as appropriate, prior to routing for approval in accordance with LMS-OP-4537. Reconvene PSMs whenever a significant change in a program necessitates a review or update of the original acquisition strategy.

J. Acquisition of Services - The acquisition of services must comply with PIC 07-02 documentation requirements as summarized in this paragraph. Documentation is required either in a separate file memo (when PSM is not required) or covered in the PSM charts in addition to the requirement of FAR 7.503(e).

1. Service Contracts – The CS and technical initiator shall create a written determination as required by FAR 7.503(e) that none of the Statement of Work (SOW) tasks are inherently governmental activities. Confirm that the services are not presently being performed, nor were most recently performed by Government employees. Confirm that the requirement is consistent with OMB Circular A-76 guidance. (As addressed in the Circular, even if the services requested are not inherently governmental, they may need to be retained for performance by government employees e.g., critical competencies.) See the definition at FAR 2.1 and OMB Circular A-76. The cognizant Branch Head should be consulted in establishing this determination. In addition, assess whether or not the services meet the definition of advisory and

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assistant services at FAR 2.1 (see also paragraph J.2. below). Confirm that the services required are not personal services. The CS shall insure that the SOW clearly structures services so as not to lead to contractor personnel performing inherently governmental functions, or contractor personnel providing personal services.

2. Advisory and Assistance Services – Advisory and assistant services of individuals shall normally be obtained by personnel appointment in accordance with NPR 3300.1. However, if the service to be provided requires the delivery of an end product that holds the individual accountable for the end result, the issuance of a purchase order/contract shall be more appropriate. Services sought from a business entity (even if an individual is named) shall be obtained by purchase order/contract.

When acquiring advisory and assistance services, CS shall include in the contract file the determination required by FAR 37.204 when the service requires contractors to perform proposal evaluation (see also 7.103(p)). (This determination can be included in the above service contract determination.) Ensure compliance with the limitations on the use of indefinite-quantity contracts and requirements contracts at FAR 16.504(c)(2) and 16.503(d), respectively. The SOW should not require contractor advice and assistance so thoroughly detailed and conclusive that it precludes exercise of government evaluation discretion.

If proposal information will be released to an outside evaluator, as permitted by NFS Part 1815, the CO shall require the evaluator to sign a statement that he has no conflicts of interest, understands the proprietary proposal markings, has read procurement integrity regulations, and is a U.S. Citizen.

K. Wage Determination (WD) Requirements – Depending on the type of contract the following information is to be provided to the Business Management Branch (BMB) Industry Relations Officer, who will provide the applicable WD based on the information provided.

1. Service Contracts: The estimated solicitation date, estimated due date for bids/proposals, and the estimated date that contract performance is to begin. In addition, the name and address of the incumbent contractor, if applicable, and a description of the services to be performed. If there is no current incumbent, then provide the planned place of performance, if known.

2. Construction: The type of construction [i.e., heavy construction, building construction, water and sewage, and highways].

L. Parties Excluded from Procurement Programs - In accordance with FAR Part 9 and NFS Part 1809, the CO must ensure that contractors are not debarred, suspended, proposed for debarment, or declared ineligible by agencies or the Government Accountability Office when soliciting offers, awarding contracts, or approving consent for subcontracts. The CS shall review the List of Parties Excluded from Federal Procurement and Nonprocurement Programs available electronically at URL: <http://epls.arnet.gov> and document the results by using the VPO template.